

January 12, 2015

Chairman Tom Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly
c/o Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Comments in ET Docket No. 14-165 and GN Docket Nos. 12-268 and 14-166 Via Electronic Filing

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel,
Commissioner Pai, Commissioner O'Rielly and Ms. Dortch,

On behalf Actors Theatre of Louisville, the State Theatre of Kentucky and the flagship arts institution in the Louisville community responsible for nearly 400 performances a year and an annual attendance of more than 150,000, including arts education programming serving more than 17,000 students, I write with grave concern about protection for our wireless microphones and backstage communications devices.

I understand the Commission has ruled that performing arts entities that regularly use 50 or more wireless devices will be eligible to apply for a Part 74 license. I've also learned that the FCC is seeking Comment on a proposed rule that would prevent performing arts entities using fewer than 50 wireless devices from participating in the database. This would leave my organization without any interference protection mechanism from the many TV Band Devices that may soon flood the market. Frequency coordination with other known wireless microphone users has become common practice, but there is no way to coordinate with TVBD's if you don't know about them.

Thousands of performances are held by professional performing arts organizations each year and the use of wireless microphones is both essential to producing high-quality performances and also mitigates against significant public safety concerns. Professional wireless capability, with successful interference protection, is essential to our sector.

Actors Theatre uses wireless microphones, in-ear communications (IFBs), cue control devices and equipment controlling devices (not transmitting sound) in all our programming. Our productions run daily through-out our season (except for Mondays) and we typically use 20 to 30 wireless devices during a performance. We have 31 devices operating in the low UHF band (channels 14-36, 470 to 608 Mhz), and 16 devices operating in the high UHF band (channels 38-51, 614 MHz to 698 MHz). Although we have 4 VHF handheld wireless devices, we do not typically use those devices. Our devices are able to tune to more than one frequency with a range of 60 MHz. We own all of our wireless devices, which are analog and have a 15 year life expectancy.

Following the FCC's reassignment of the 700 MHz band to make more spectrum available for Public Safety radio communications and next-generation wireless services for consumers and businesses, our sound supervisor planned and researched the transition to all new wireless devices for the theatre. Over the course of two years and at a cost of nearly \$50,000 we replaced non-compliant equipment and upgraded our capabilities for the future.

As a frequent user of a significant number of wireless devices in our productions, we support the effort to transition wireless device usage to more efficient protocols. However, non-profit arts organizations also operate with limited budgetary resources, and support from the Commission or other governmental agencies is imperative. In this regard, the Commission could consider setting aside a band of frequencies that all manufacturers could utilize for digital microphones, similar to bands set aside for WiFi. Although the Commission's support of better, more affordable technologies is important, to the extent further significant changes to policy are considered, monetary assistance also would be necessary. Initiatives to move wireless device technology outside the TV bands would absolutely require substantial monetary assistance in the form of rebates or governmental grant opportunities.

I appreciate that the Commission has sought Public Comment on these very important issues. Professional performing arts organizations should all have some sort of interference protection. While some entities will be protected by access to the geo-location database, many professional performing arts organizations will not under this plan. Further, I would request that the Commission consider the burden already borne by the performing arts community in vacating the 700 MHz band. I am concerned about the cost of once again replacing my theatre's sound equipment.

Performing arts organizations provide demonstrable service to the public in improving quality of life; preserving our cultural heritage; and in providing education, enlightenment, entertainment. They also contribute to local economies in every community across this country. I respectfully request that the Commission maintain access to interference protection and establish a mechanism to reimburse performing arts organizations for the cost of new equipment.

Sincerely,



Jennifer Bielstein
Managing Director